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JC928 U.S. PTO

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PTO/SB/05 (08-00) (modified)

Approved for use through 9/30/2001, OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

**NEW UTILITY
PATENT APPLICATION
TRANSMITTAL**

(only for new nonprovisional applications under
37 CFR 1.53(b))

Attorney Docket Number 18864-06052US

First Named Inventor Robert J. Bernardi

Title Auto-Adjust Noise Canceling
Microphone With Position Sensor

Express Mail Label No. EL566201015US

APPLICATION ELEMENTS	ACCOMPANYING APPLICATION PARTS
<p>1. <input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate)</p> <p>2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>3. <input checked="" type="checkbox"/> Specification Total Pages <input type="text" value="53"/> (preferred arrangement set forth below) <input type="checkbox"/> Descriptive Title of the Invention <input type="checkbox"/> Cross Reference(s) to Related Case(s) <input type="checkbox"/> Statement Regarding Fed sponsored R & D <input type="checkbox"/> Background of the Invention <input type="checkbox"/> Brief Summary of the Invention <input type="checkbox"/> Brief Description of the Drawing(s) <input type="checkbox"/> Detailed Description <input type="checkbox"/> Claim or Claims <input type="checkbox"/> Abstract of the Disclosure</p> <p>4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) Total Sheets <input type="text" value="8"/></p> <p>5. Oath or Declaration a. <input checked="" type="checkbox"/> New Declaration and Power of Attorney Total Pages <input type="text" value="3"/> <input checked="" type="checkbox"/> Unexecuted b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 18 completed) i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</p> <p>6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76</p>	<p>7. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))</p> <p>8. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)</p> <p>9. <input type="checkbox"/> Power of Attorney or Authorization of Agent</p> <p>10. <input type="checkbox"/> 37 CFR 3.73(b) Statement</p> <p>11. <input type="checkbox"/> Preliminary Amendment</p> <p>12. <input type="checkbox"/> Information Disclosure Statement & PTO-1449 <input type="checkbox"/> Copies of IDS Citation(s)</p> <p>13. <input checked="" type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent</p> <p>14. <input checked="" type="checkbox"/> Return Postcard</p> <p>15. <input type="checkbox"/></p> <p>16. <input type="checkbox"/></p> <p>17. <input type="checkbox"/></p>
ADDRESS TO: Box Patent Application Commissioner for Patents Washington, D.C. 20231	

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP) of prior application No: _____/_____

Prior application information: Examiner: _____ Group/Art Unit: _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuing or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS



Customer Number and Bar Code Label

00758

Name (Print/Type)	Martin S.C. Loui	Registration No. (Attorney/Agent)	43,411
Signature			Date May 11, 2001

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10/11/01
U.S. PTO(modified)

EL566201015US

PTO/SB/17 (10-00)(modified)
Approved for use through 09/29/01, OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

10/2000

U.S. Department of Commerce
Patent and Trademark Office

FEE TRANSMITTAL

TOTAL AMOUNT OF PAYMENT

Subtotal (1) + Subtotal (2) + Subtotal (3) = **(\$1734.00)**

		Complete if Known	
Application Number	Not yet known		
Filing Date	May 11, 2001		
First Named Inventor	Robert J. Bernardi		
Group Art Unit	Not yet known		
Examiner Name	Not yet known		
Attorney Docket Number	18864-06052US		

METHOD OF PAYMENT

FEE CALCULATION (continued)

1. The Commissioner is hereby authorized to:

Charge the indicated fees to the below mentioned deposit account.

Charge any additional fee required under 37 CFR 1.16 - 1.21 or credit any over payments to the below mentioned deposit account.¹

Applicant claims small entity status
See 37 CFR 1.27

Deposit Account Number: 19-2555
Deposit Account Name: FENWICK & WEST LLP

A Duplicate Copy of this authorization is attached

2. Payment Enclosed:

Check Credit Card Other

3. ADDITIONAL FEES

FEE CALCULATION (fees effective 10/01/2000)

4. FILING FEE

Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due
101/\$710	201/\$355	Utility Filing	710
106/\$320	206/\$160	Design Filing	
108/\$710	208/\$355	Reissue	
114/\$150	214/\$75	Provisional Filing	
SUBTOTAL (1)		(\$ 710)	

FEE CALCULATION (fees effective 10/01/2000)

3. ADDITIONAL FEES

Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due
101/\$710	201/\$355	Utility Filing	710
106/\$320	206/\$160	Design Filing	
108/\$710	208/\$355	Reissue	
114/\$150	214/\$75	Provisional Filing	
SUBTOTAL (1)		(\$ 710)	
2. CLAIMS			
Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	
103/\$18	203/\$9	Claims in excess of 20	
102/\$80	202/\$40	Independent claims in excess of 3	
104/\$270	204/\$135	Multiple dependent claim	
109/\$80	209/\$40	Reissue independent claims over original patent	
110/\$18	210/\$9	Reissue claims in excess of 20 and over original patent	
SUBTOTAL (3)		(\$0.00)	
Other fee (specify):			
Other fee (specify):			

For	No. of Existing Claims	(Col. 1)		(Col. 2)		(Col. 3)		Fee Due
		minus*	Highest No. Previously Paid For	=	Extra**	x		
TOTAL	68		20 or 0	=	48	x	18	864
INDEP	5	minus*	3 or 0	=	2	x	80	160

[] First presentation of multiple dependent claim

* Subtract the greater number of Col. 2

** If the difference between Col. 1 and Col. 2 is less than zero, then enter "0" in Col. 3

SUBTOTAL (2) **(\$1024)**

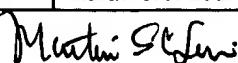
SUBMITTED BY

Typed or Printed Name **Martin S.C. Loui**

Complete (if applicable)

Reg. Number **43,411**

Signature

Date **May 11, 2001**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**NONPUBLICATION REQUEST
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor		Robert J. Bernardi
Title	Auto-Adjust Noise Canceling Microphone With Position Sensor	
Atty Docket Number	18864-06052US	

I hereby certify that the invention disclosed in the attached application **has not been and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

May 11, 2001

Date

Martin S.C. Loui

Signature

Martin S.C. Loui/Reg. No. 43,411

Typed or printed name/Registration Number

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

18864/06052/DOCS/1171935.1